



Telecommunications Certification Body Council, Inc.

October 5, 2015

Brian Butler  
Office of Engineering and Technology  
Room 7-A267  
445 12th Street SW  
Washington, DC 20554.

RE: NPRM 15-170

Dear Mr. Butler,

Please find below the response of the Telecommunications Certification Body Council (TCBC) Rules Committee to the Notice of Proposed Rulemaking 15-170. We appreciate the FCC examining these issues as technology continues to evolve and compliance processes need to evolve as well.

We have drafted a table of responses to address each of the specific proposals; the columns include the paragraph number from the NPRM (PN), a brief summary of the text, the "stakeholder/s" who are impacted (S/H) and a comment from our Committee.

We value our enduring cooperation with the Commission.

Yours sincerely,

Michael Derby  
Chair, TCB Council  
5<sup>th</sup> October 2015

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TCBC Comments on NPRM 15-170

PN	Summary Text from NPRM	S/H	TCBC Comment/Reply
9	The Commission proposed to incorporate certain elements of the existing Suppliers Declaration of Conformity (SDoC) process now used for Telephone Network Terminal Equipment into the new single process, which would apply to all equipment currently subject to the DoC and verification procedures.	Mfr Lab	We are concerned about continuing compliance of products “approved” under the sDOC process. The ongoing rate of non-compliances is well known and well-documented, even under the commissions TCB program. Will surveillance of devices be increased under this new regimen to ensure continuing compliance of products?
9	The use of accredited testing facilities would not be required under our proposal. The NPRM sought comment on use of the specific term “Supplier’s Declaration of Conformity” or “SDoC” for this new process.	Mfr Lab	We believe that this is a backwards step and reduces the integrity of the Conformity Assessment system overseen by the FCC. It also may unfairly harm the manufacturers that have a robust CA program as less scrupulous manufacturers may opt to simply self-declare without any testing.
10	...comment on proposed revisions to §2.1077 that would require all equipment to include a compliance statement with the product literature that identifies for consumers who is responsible for the device’s compliance with the Commission’s technical regulations.	Public/ Mfr	We support this proposal. It is vital that the public needs be met for complete information about manufacturers/origins of products.
11	The proposed rules would no longer require the use of a specific logo...use of the logo on a voluntary basis, and potential effect on the identification of unauthorized devices.	Public Mfr CB	The FCC logo is a symbol of compliance that is recognized worldwide. From TCB perspective, the logo is a minimal indication of compliance. We believe that the use of the FCC logo should be allowed, on a voluntary basis.

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11	The NPRM asked whether the Commission should allow devices that would be subject to the new SDoC requirements to optionally be certified.	Mfr CB	We support this proposal.
14	Additionally, the Commission proposed to permit certification of a group of related devices that are certified under a single FCC ID.	Mfr Public	We support this proposal. This will simplify Certification for certain manufacturers.
15	The Commission proposed to broadly apply the current rule governing certification of modular transmitters that operate in part 15 unlicensed spectrum allocations to all RF devices regulated by the Commission.	Mfr CB	We support this proposal.
16	The Commission proposed to retain the concept of a “limited modular approval,” under which the manufacturer demonstrates in the certification application that the transmitter will comply with our rules only under specific circumstances.	Mfr	We support this proposal.
16	Additionally, the Commission proposed to permit certification of modular transmitters that consist of a single chip.	Mfr CB	We support this proposal.

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17	The Commission proposed that an applicant for certification of a modular device or a form factor that includes its own RF characteristics provide design guidelines, interface specifications, and authentication requirements that would guarantee that a module can operate on the form factor only with other modules whose collective RF emissions meet the rules' requirements.	Mfr	We support this proposal.
19	and proposed to simplify the rules by removing the SDR designation from grants of certification and incorporating any necessary requirements for software control of RF parameters and software security for all devices in the general certification rules and guidance.	Mfr CB	We support this proposal, recognizing that most devices are already software-driven.

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20	The Commission proposed to require that an applicant for certification explicitly describe the RF device's capabilities for software configuration and upgradeability in the application for certification. This description would include all frequency bands, power levels, modulation types, or other modes of operation for which the device is designed to operate, including modes not enabled in the device as initially marketed.	Mfr CB	We support this proposal.
23	The NPRM proposed to replace the "electrically identical" benchmark with a new standard that considers how the device differs from what was evaluated at the time of equipment certification and whether those differences could affect how the modified device complies with our rules	Mfr	We recommend that the FCC needs an exact definition of what "electrically identical" means. This will be subjective and left open to many wide interpretations unless clearly defined.
24	The Commission proposed that certain changes in layout, included components, operating software, or variations in overall electrical or mechanical constructions that do not substantially change the overall function of the device do not require a new FCC ID	Mfr CB	We recommend that the FCC needs a definition of "substantially change the overall function." We suggest that, as a minimum, a PC2 is necessary, as long as product is compliant

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25	It proposed to permit changes that would increase the fundamental emissions or degrade spurious emissions or other parameters reported to the Commission from what was evaluated at the time of certification, as long as rules compliance is maintained	Mfr CB	We support this proposal.
27	The NPRM proposed to permit a group of devices that are essentially similar, based upon the overall design of the devices, their functions, components and layout, to be authorized as a “family of products” under the same FCC ID without having to obtain distinct approval from a TCB for each device. The Commission proposed to permit a manufacturer to determine what constitutes a family of products.	Mfr	We support this proposal but we recommend that the definition of "essentially similar" be clearly defined.
28	The Commission proposed to revise § 2.1043 and remove the “electrically identical” definition from § 2.924 of the rules, and to add rules that address the modular transmitters, software-defined radio,	Mfr	Definition of "essentially similar" will be subjective. The interpretation of "similar" will be necessary in the final rules. We are concerned that the implementation will be varied

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30	The Commission proposed to continue to apply the general principle that a party that creates an end product is responsible for the compliance of the end product it creates, and to establish rules for two general scenarios involving end products that incorporate certified modular transmitters.	Mfr	<p>We support this proposal.</p> <p>We suggest that the FCC consider removal of requirement for a phone number for responsible party.</p> <p>Manufacturer members of the TCBC state that the majority of calls are not related to compliance, but are customer-service related issues.</p>
31	The Commission proposed to codify existing guidance, under which the party installing a certified modular transmitter (or multiple certified transmitters) into a device must follow all instructions provided by the manufacturer(s) concerning the installation of the modular transmitter(s), the type and layout of the transmit antenna(s), and any other steps that must be taken to ensure the compliance of the end product.	Mfr	We support this proposal.
35	This NPRM also seeks comment on how to address certified modular transmitters that are sold directly to consumers to be integrated into host devices or independently combine	Mfr Public	<p>We support this proposal.</p> <p>However we have concerns that there could be many different platform/combinations that may not comply; perhaps a manufacturer should investigate a certain minimum number of platforms to understand the variability that may be experienced in the end-integration.</p>

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38	The Commission proposed to eliminate exceptions to the principle that certified devices could not be modified by third parties unless the third party receives its own certification	Mfr	We support this proposal, however we are concerned about continuing compliance. We suggest that the modifying party obtain permission from original grantee. Maybe the modifying party would petition a Certification Body for a Class 2 Permissive Change authorization. The mechanisms of regulating this would need to be defined.
39	The Commission proposed, for certified devices operating under all rule parts, to require that any party making changes without the authorization of the original grantee of certification must obtain a new grant of certification and a new FCC ID.	Mfr	We support this proposal.
44	The Commission proposed to streamline § 2.1033 of the rules by combining the duplicative information requirements listed in the two sections of the rule that list the information that must be included with applications for certification and reorganizing the information required only in specific rule parts or for specific types of operation into a more logical structure.	Mfr CB	We support this proposal.
47	The applicant would not need to provide a specific justification for its request	Mfr CB	We support this proposal.
49	The Commission proposed to provide long-term confidentiality automatically (i.e. without specific justification),	Mfr CB	We support this proposal. This is a practical and risk-free change.



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52	The Commission also asked about issuance of a “provisional” certification grant.	Mfr CB	We support this proposal, but the use and/or restriction must be clearly stated.
53	The Commission proposed to amend its regulations to comply with the provisions of the Enhance Labeling, Accessing, and Branding of Electronic Licenses Act (E-LABEL Act), which requires it to make regulations (or take other appropriate action) “to allow manufacturers of radiofrequency devices with display the option to use electronic labeling for the equipment in place of affixing physical labels to the equipment.”	Mfr Public	We support this proposal. Recommend expanding e-labeling to devices that do not have an integral display but can only be installed in a device with such a display.
59	It proposed to codify the guidance in KDB Publication 784748, which states that the FCC ID may be placed in the device user manual if the device is too small for the FCC ID to be readable (smaller than 4–6 point font size).	Mfr Public	We support this proposal.
60	The Commission proposed to eliminate the requirement for part 15 devices to be labeled with the FCC logo.	Mfr Public	We would recommend that the option for using the FCC logo be available.

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64	The Commission also sought comment on whether the measurement procedures specified in § 15.31(a)(3) and (4) (referencing ANSI C63.4–2014 and ANSI C63.10–2013) are sufficient to address compliance testing for devices subject to the part 15 requirements, such that it could remove specific measurement procedures in § 15.31– 15.35	Mfr Lab CB	We support this proposal. This proposal allows for flexibility without rule changes.
65	The Commission noted the ongoing development of a new standard, ANSI C63.26, by ANSI–ASC C63, and asked whether references to the applicable measurement procedures in ANSI C63.26 could potentially replace measurement procedures in part 2 for RF power output, modulation characteristics, occupied bandwidth, spurious emissions at antenna terminals, field strength of spurious radiation, frequency stability, and frequency spectrum	Mfr Lab CB	We support this proposal. This proposal allows for flexibility without rule changes.
69	The Commission proposed to eliminate §§ 2.1205 and 2.1203(b) to remove filing requirements that are now associated with FCC Form 740, and to discontinue that form.	Mfr	We support this proposal.